

PS5350.25 LITERACY PROGRAM (GED STANDARD)



Program Statement

OPI: FPI/Education
NUMBER: 5350.25
DATE: 9/29/97
SUBJECT: Literacy Program (GED
Standard)

Effective Date: 11/3/97

1. [**PURPOSE AND SCOPE §544.70.** Except as provided for in § 544.71, an inmate confined in a federal institution who does not have a verified General Educational Development (GED) credential or high school diploma is required to attend an adult literacy program for a minimum of 240 instructional hours or until a GED is achieved, whichever occurs first.]

A high school diploma is the basic academic requirement for almost all entry-level jobs. Persons who function below this level often encounter serious difficulty in obtaining employment and carrying out day-to-day activities and responsibilities. The Bureau literacy standard reflects those in the communities to which Federal inmates will be released. The intent of the standard is to help inmates compete for available jobs and cope with post-release community, family, and other responsibilities.

Except as provided in Section 5, each inmate who does not have a GED credential or a high school diploma is required to complete one mandatory period of literacy program participation during his or her confinement. This mandatory period shall be for at least 240 instructional hours or until the inmate has achieved a GED credential or a high school diploma, whichever occurs first. This involvement shall be scheduled to begin within four months after arrival at the designated institution and may occur either during the day or evening in accordance with the procedures provided in Section 13, Literacy Class Schedules.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

The provisions of this Program Statement also apply to non-English speaking inmates who do not have a verified high school diploma or an equivalent. Non-English speaking inmates who have a verified high school diploma, or an equivalent, are not required to participate in the literacy program.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Inmates who need and want a GED credential will be able to participate in the literacy program.

b. Inmates who meet certain criteria will be required to participate in the literacy program.

c. Progress records on inmates participation will be maintained in the SENTRY-based electronic education file.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 5350.19 Literacy Program (GED Standard)(5/1/91)

b. Directives Referenced

PS 5100.06	Security Designation and Custody Classification Manual (6/7/96)
PS 5215.04	Youth Corrections Act (YCA) Institutions and Programs (9/23/93)
PS 5270.07	Inmate Discipline and Special Housing Units (12/29/87)
PS 5290.09	Admission and Orientation Program (7/1/96)
PS 5300.17	Education, Training and Leisure-Time Program Standards (9/4/96)
PS 5310.15	Minimum Standards for Administration, Interpretation, and Use of Education Tests (9/4/96)
PS 5322.10	Classification and Program Review of Inmates (9/4/96)
PS 7331.03	Pretrial Inmates (11/22/94)
PS 8000.01	UNICOR Corporate Policy and Procedures (5/13/81)

TRM 5301.01 SENTRY Education (6/1/94)
TRM 5802.01 SENTRY General Use Manual (6/1/94)

c. Rules cited in this Program Statement are contained in 28 CFR 544.70-75.

4. STANDARDS REFERENCED

a. American Correctional Association Foundation/Core Standards for Adult Correctional Institutions: FC2-4094, C2-4231, C2-4232, C2-4233, C2-4234, C2-4235, and C2-4239.

b. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4395, 3-4414, and 3-4411.

c. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-5A-02, 5B-01.

d. American Correctional Association 2nd Edition Standards for the Administration of Correctional Agencies: 2-CO-5B-01

5. [EXCEPTIONS TO REQUIRED LITERACY PROGRAM PARTICIPATION §544.71]

a. The following inmates are not required to attend the literacy program:

(1) Pretrial inmates;

The term "pretrial inmates" is defined in the Program Statement on Pretrial Inmates.

A pretrial inmate may participate in correspondence and self study literacy courses. Institutional staff may also arrange for educational assistance to the pretrial inmate through the use of contract personnel or community volunteers.

When consistent with institution security and good order, pretrial inmates may have access to the institution's educational program.

(2) Inmates committed for purpose of study and observation under the provisions of 18 U.S.C. 4205(c), 4241(d), or, effective November 1, 1987, 18 U.S.C. 3552(b);

(3) Sentenced deportable aliens;

A deportable alien status shall be verified by using the Public Safety Factor scoring included in the Security Designation and Custody Classification Manual and shall be reviewed at each program review. Other indicators may include citizenship and the Case Management Activity (CMA) assignment.

(4) Inmates determined by staff to be temporarily unable to participate in the literacy program due to special circumstances beyond their control (e.g., due to a medical condition, transfer on writ, on a waiting list for initial placement). Such inmates, however, shall be required to participate when the special circumstances are no longer applicable.

The Warden may not delegate exemption authority below the Associate Warden level. All the above exemptions shall be reviewed quarterly.

Inmates exempted from the mandatory GED requirement may participate in the literacy program. Inmates exempted under this section from literacy program attendance ordinarily may not be promoted above the fourth grade of compensation unless they attain a GED credential.

[b. Inmates who have been determined (on the basis of formal diagnostic assessment) to have a documented emotional, mental, or physical individual impediment to learning shall not be required to complete the literacy program beyond those achievement levels indicated as realistic by the formal diagnostic assessment.]

[c. Staff shall document in the inmate's education file the specific reasons for not requiring the inmate to participate in, or to complete, the literacy program.]

The SENTRY-based electronic education file shall be used for this purpose.

6. SENTRY EDUCATION DATA REPORTING AND PROGRAM REQUIREMENTS FOR PRETRIAL AND MEDICALLY ASSIGNED INMATES. Education staff are not required to enter GED/ESL Education Information (EDI) Need assignments for pretrial and medically assigned inmates. Education staff are not required to change the GED EDI Need

assignments for inmates who transfer to medical facilities for treatment.

7. PRIOR GED ATTAINMENT VERIFICATION. A high school diploma or a GED credential is verified when the Supervisor of Education receives documentation directly from the appropriate school or agency or when the achievement is officially verified by appropriate government personnel in the presentence investigation report (PSI). The PSI should be used only when the writer has clearly indicated that educational records have been verified. A postsecondary credential, e.g., associate of arts degree, baccalaureate (BA or BS) degree, masters degree, or higher is acceptable as verification of a high school diploma or a GED credential.

When adequate information is not available, an inmate is responsible for initiating actions for verification. An inmate may complete a Request for Verification of Education Records (Attachment A) and present it to the Supervisor of Education, who shall forward it to the appropriate school or agency. An inmate who is unable to substantiate high school completion shall be required to participate in the literacy program.

Staff shall enter a GED EDI Need assignment in SENTRY within 60 days after each inmate's arrival at the institution.

8. [**INCENTIVES §544.72. The Warden shall establish a system of incentives to encourage an inmate to obtain a GED credential.**]

Each Supervisor of Education, with the Warden's approval, shall establish a system of appropriate awards (e.g., cash awards, certificates) to be given to inmates in recognition of satisfactory progress and completion of the literacy program. These awards should recognize achievement at various levels in the program, with emphasis on attainment of functional literacy and a secondary education credential. The literacy program incentives system shall be described in writing and presented to inmates during the Admission and Orientation process.

9. [**PROGRAM PARTICIPATION §544.73**

a. The Warden or designee shall assign to an education staff member the responsibility to coordinate the institution's

literacy program. Initially, staff shall meet with the inmate for the purpose of enrolling the inmate in the literacy program. Subsequently, staff shall formally interview each inmate involved in the literacy program, when necessary, for the purpose of determining a progress assignment after a minimum of 240 instructional hours and when necessary thereafter to notify the inmate of any change in the progress rating. Staff shall place documentation of these interviews in the inmate's education file.]

Education representatives shall provide the unit classification team with consultation and expertise in all education, release preparation, recreation, and vocational training matters. Education recommendations or requirements shall include target time frames for program completion and measurable assessments during participation in courses. Ordinarily, the literacy coordinator or designated education staff shall perform these functions.

[b.(1) For the purposes of 18 U.S.C. § 3624, an inmate subject to the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) or the Prison Litigation Reform Act of 1995 (PLRA) shall be deemed to be making satisfactory progress toward earning a GED credential or high school diploma unless and until the inmate receives a progress assignment confirming that:

(a) The inmate refuses to enroll in the literacy program;

(b) The inmate has been found to have committed a prohibited act that occurred in a literacy program during the last 240 instructional hours of the inmate's most recent enrollment in the literacy program; or

(c) The inmate has withdrawn from the literacy program.

(2) When an inmate subject to VCCLEA or PLRA receives a progress assignment indicating that the inmate is not making satisfactory progress, the assignment shall be changed to indicate satisfactory progress only after the inmate is currently and continuously enrolled in a literacy program for a minimum of 240 instructional hours. Any further withdrawal or finding that the inmate has committed a prohibited act in a literacy program during the last 240 instructional hours of the inmate's most

recent enrollment in the literacy program shall result in a progress assignment indicating that the inmate is again not making satisfactory progress (see paragraphs b.(1)(b) and (c) of this section.]

[c. At the end of 240 instructional hours, excluding sick time, furloughs, or other absences from scheduled classes, the unit team during scheduled program review sessions shall meet with the inmate to encourage continued participation in the literacy program until the inmate obtains a GED credential or high school diploma. At these meetings, the inmate may elect not to continue in the literacy program, and no disciplinary action will be taken. The inmate may not discontinue this program where participation is mandated by statute.]

The 1994 Violent Crime Control and Law Enforcement Act (P.L. 103-322) mandates that an inmate, with a date of offense on or after September 13, 1994, but before April 26, 1996, lacking a high school credential, participate and make satisfactory progress in the literacy program in order to vest earned Good Conduct Time (GCT). The 1995 Prison Litigation Reform Act (P.L. 104-134; April 26, 1996) provides that in making GCT awards, the Bureau shall consider whether inmates have earned or are making satisfactory progress towards attainment of a GED credential.

At present, statutory treatment provisions are included in the Youth Corrections Act (repealed October 12, 1984, for conduct occurring after that date) and the Narcotics Addict Rehabilitation Act. Education programs fall within these treatment provisions.

The literacy coordinator shall monitor the instructional progress of an inmate in the literacy program until the program is completed. Time absent is added to the 240 instructional hours. An inmate may test out of the literacy program prior to the completion of the mandatory enrollment period (240 instructional hours). It is the literacy coordinator's discretion to refer an inmate for a GED retest.

Not all inmates will attain a GED within the mandatory enrollment period (240 instructional hours). The literacy coordinator shall strongly encourage these inmates to continue in the literacy program.

An inmate who may have a special learning need, in the Education Supervisor's professional judgement, shall be referred for formal diagnostic testing. An inmate with a special learning need who has the ability to attain a GED credential shall be encouraged to complete the literacy program.

Exemptions shall be based on formal diagnostic test results. Formal diagnostic test results shall indicate the realistic achievement level to be expected from an inmate, with an exemption, who will no longer benefit from participation in the literacy program. Education staff shall encourage a special learning need inmate to remain in the literacy program.

10. **WORK ASSIGNMENT LIMITATIONS §544.74.** These limitations on work assignment appointment and promotion apply to all inmates, including those exempted from required participation in the literacy program by §544.71.]

§544.71 refers to Section 5 of this Program Statement

[a. Appointment

(1) An inmate, who does not meet the literacy requirement may be assigned to a grade 4 position contingent upon the inmate's continued enrollment in the literacy program.

(2) An inmate ordinarily must show prior attainment of a GED credential or high school diploma in order to be considered for a commissary work assignment above minimum pay level, an institution work assignment above grade 4 compensation, or an industrial work assignment above grade 4 or in a non-graded incentive pay position.

(3) If labor force needs require, an inmate who does not meet the literacy requirement may be assigned to an industrial non-graded incentive pay position if the inmate is simultaneously enrolled in a literacy or related program. Withdrawal from the literacy program shall result in termination of the assignment. Local Federal Prison Industries (FPI) management may elect to retain the reassigned inmate in an hourly rated grade 4 position.]

An inmate in any covered position ordinarily achieves the required literacy level in 240 instructional hours except when the inmate has a documented special learning need (confirmed by the literacy coordinator) that delays or prevents the inmate from attaining a high school diploma or a GED credential within that time period. An inmate with a documented special learning need may remain in that position and is eligible for a work position above the grade 4 compensation as long as the inmate continues to participate satisfactorily in the literacy program. Inmates may not be placed in non-graded incentive pay (piece-rate) jobs unless they have a GED credential, a high school diploma, or a documented exemption.

The standards which apply to graded hourly jobs also apply to graded piece-rate jobs.

[b. Promotion. An inmate ordinarily must show prior attainment of a GED or high school diploma to be promoted above the minimum pay level or grade in a commissary work assignment, an institutional work assignment, or an industrial work assignment. An inmate already in an assignment above the minimum pay grade who had met prior literacy requirements when approved for promotion is eligible for further promotion under the prior standard. Such inmate, however, must meet the current standard if, due to demotion based upon a poor work performance appraisal, he or she needs to reapply for a promotion.]

Each inmate with this status shall be individually counseled by his or her education representative and encouraged to enroll in the literacy program. The inmate, however, may not be required to participate in the literacy program as a condition of continued employment in pay grades 3, 2, or 1. This exemption applies only to the inmate's present pay grade assignment. If an inmate is released from the Bureau's custody and later is recommitted, or returns as a parole violator, that inmate will be expected to show prior attainment of a GED credential or a high school diploma to be promoted above pay grade 4 in a covered position.

A parole violator who completed the mandatory enrollment period during a prior confinement without receiving a GED credential is **not promotable** and must re-enroll in the literacy program.

An inmate who completed the mandatory enrollment period (240 instructional hours) without receiving a GED credential and is returned to an institution because of a Community Corrections Center violation is **not promotable** but has satisfied the policy requirement and need not re-enroll in the literacy program.

The few inmates who have been continuously employed in grades 3, 2, or 1 in covered positions since May 1982, but have not attended Adult Basic Education or met the Bureau's literacy standard, shall continue to be exempted from enrollment in the literacy program. If any of these inmates is demoted from his or her pay grade because of poor work performance or misconduct, however, the inmate must satisfy the requirements in Section 10 to become eligible for future promotions.

[c. Exceptions. The Warden may, for good cause, exempt inmates on a case-by-case basis, from the literacy requirements for work assignment appointment and promotion. Staff shall document such exemption in the inmate's education file and central file.]

The Warden may grant these "good cause" pay promotion exemptions on a case-by-case basis. For example, inmates with special learning needs, in the Education Supervisor's professional judgement, shall be referred for formal diagnostic testing. Formal diagnostic test results shall determine when and if an inmate, with a pay promotion exemption, shall no longer benefit from participation in the literacy program.

In such cases, the inmate should participate in the literacy program for a substantial amount of time (at a minimum 240 instructional hours) before being recommended for a pay promotion exemption. An exempted inmate shall ordinarily be required to remain in school for a minimum of five hours per week, working to his or her potential, to remain eligible for the pay promotion exemption.

Psychology Services or Health Services shall document mental or physical handicaps. The Supervisor of Education shall document all special learning needs and make appropriate recommendations to the Warden concerning the exempted inmate's release from mandatory literacy program participation.

An inmate claiming this exemption is responsible for initiating an exemption request through the instructor. When the inmate transfers, the receiving institution shall review the "good cause" exemption to determine whether the exemption is still valid.

The Warden's signature is required only for those exemptions not specified under Section 5.

Staff shall document in the inmate's SENTRY-based electronic education file the specific reasons for allowing pay promotion and class exemptions. One Justification of Exemption Record can be used for an inmate who has both pay promotion and class attendance exemptions.

11. [DISCIPLINARY ACTION §544.75. As with other mandatory programs, such as work assignments, staff may take disciplinary action against an inmate lacking a GED credential or high school diploma if that inmate refuses to enroll in, and to complete, the mandatory 240 instructional hours of the literacy program.]

The inmate may be charged with Prohibited Act 306, Refusing to Accept a Program Assignment, or any other appropriate prohibited act in accordance with the Program Statement on Inmate Discipline and Special Housing Units.

12. TRANSFERS. An inmate, who transfers to another institution prior to completing the mandatory enrollment period, is expected to complete the remaining balance of time at the new institution. Time spent in transfer status or in preparation for transfer does not count toward the mandatory attendance period. The sending institution shall record test scores, current diagnostic test information, class attendance time, and related data in the SENTRY-based electronic education file and complete the appropriate SENTRY transactions.

13. LITERACY CLASS SCHEDULES. Literacy classes shall be scheduled Monday through Friday. When possible, the literacy program should operate during daytime hours; however, if the Warden determines that a daytime literacy program would unduly affect other institution programs (e.g., work assignments), it may be offered in the evening.

14. SPECIAL LEARNING NEEDS INMATES. An inmate who scores at a 5th grade level or below on the Adult Basic Learning Examination (ABLE) or the Tests of Adult Basic Education (TABE) reading and mathematics tests, but is not making adequate progress despite effort and motivation, shall be referred to the special education teacher. The special education teacher shall informally assess each referred inmate for recommendations on alternative testing strategies based on the student's learning style and strength.

It may be determined that a special assessment test (e.g. Woodcock-Johnson) is necessary to accurately determine a need for placement in the program if the student continues to have problems learning in the regular GED class. The special education teacher may refer an inmate to the institution's psychologist when a formal diagnostic test or an Intelligence Quotient (IQ) test appears necessary to further evaluate a special learning need.

The Supervisor of Education and the literacy coordinator shall ensure that all identified low functioning inmates are appropriately placed in the literacy program.

15. PERIODIC REVIEWS

a. Needs List Report. The literacy coordinator shall prepare a list of inmates who:

- # have a GED Unknown EDI Need assignment,
- # have not been initially enrolled in school, and
- # are within twelve to eighteen months of their projected release dates but still have a literacy program need.

Education staff shall acquire these lists from the SENTRY Education Data System. The needs lists shall be used to monitor waiting lists and to counsel and recruit inmates.

The Needs List Report shall have three sections:

- (1) GED Unknown List. A roster of inmates whose GED status is unknown.
- (2) Waiting List. A roster of inmates who are required to participate in the literacy program but are not yet enrolled. At a minimum, the list shall include the dates

they arrived at the institution and their projected release dates.

(3) Projected Release Date List. A roster of GED EDI status of inmates between 12 to 18 months of their projected release dates. Inmates with a GED need should be interviewed and counseled about re-enrollment. Each contact is to be documented in the periodic review record of the SENTRY-based electronic education file.

The Needs List Report shall be updated at least monthly and retained by the Supervisor of Education.

b. Periodic Review Record. Documentation in the SENTRY-based electronic education file shall be maintained for each inmate who does not have a high school diploma or a GED credential, except those exempted under Section 5. The literacy coordinator and the inmate's unit team shall counsel the inmate, to encourage program continuation and to identify any problem areas that might exist and suggest appropriate support services.

The SENTRY-based electronic education file reflects:

- (1) Dates of enrollment, completion, and/or withdrawal.
- (2) Inmate's needs.
- (3) 240 instructional hour progress reviews (Inmates in "exempt-not promotable status" need not be reviewed).
- (4) Exit interview information, to include withdrawal reasons.

The literacy coordinator shall maintain this record in the SENTRY-based electronic education file when the inmate transfers to another institution or completes the literacy program.

c. Non-Promotable List. The Supervisor of Education shall provide appropriate department heads, detail supervisors, and payroll coordinators a monthly list, of inmates:

- # specifically exempted by policy,
- # restricted to pay grade 4, or
- # exempted by policy and may be promoted to grades 2 or 1.

16. LITERACY PROGRAM STAFFING

a. Every literacy program shall include a qualified special education instructor who meets the U.S. Office of Personnel Management GS-1710 Education and Vocational Training Series Qualifications for a special education teaching position. Metropolitan Correctional Centers, Metropolitan Detention Centers, Federal Transportation Centers, and Federal Detention Centers are encouraged but are not required to employ a special education teacher.

This instructor may be a full-time or a part-time civil service or contract employee, depending on institution resources and needs. A contract employee shall be knowledgeable and have the ability to administer diagnostic tests the Bureau uses.

b. Any institution without a civil service or contract special education teacher must fill a current or future academic vacancy with a special education teacher.

c. The special education teacher shall assist other education staff to meet the educational needs of low functioning inmates.

/S/
Kathleen M. Hawk
Director

REQUEST FOR VERIFICATION OF EDUCATION RECORDS

TO: _____
Name of school or agency

Address

City State Zip Code

RE: _____ Date of Birth: _____
_____/_____

Student ID# (if applicable) _____ Social Security # _____

Date graduated/tested: _____

Other identifying information: _____

I hereby request that you release the above information to:

I am requesting: (check one)
[] Full Education Transcript
[] Duplicate copy of High School Diploma
[] GED Testing report

Signature

Date